

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THEODORE W. HOUSTON and AMITAVA CHATTERJEE

Application No. 10/054,957

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Examiner's Answer mailed February 28, 2006 is lacking the heading "Evidence relied upon" listing the prior art of record being relied upon in the rejections. The first paragraph on page 3 of the answer states "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal. " For the required content in an examiner's answer under the new rules, the examiner is directed to the Manual Of Patent Examining Procedure (MPEP) ' 1207.02(A) (8th ed., Rev. 3, August 2005) which states in part:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

(8) *Evidence Relied Upon*. A listing of the evidence relied on (e-g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Since the examiner's § 102(b) rejection is based on the prior art reference to Jones et al. (U.S. 4,212,683), it is essential that the reference be listed accordingly in the answer. Correction is required.

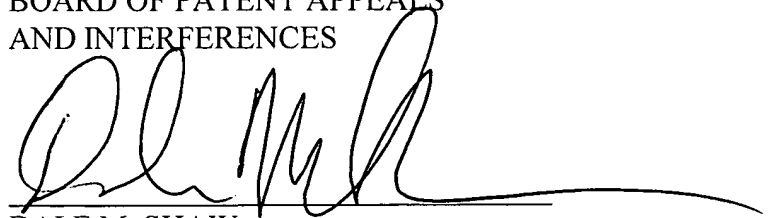
Accordingly, it is

ORDERED that the application is returned to the Examiner

- a) to issue a revised Examiner's Answer containing a section listing the prior art of record being relied upon in the rejection(s) of the appealed claims, and
- b) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE M. SHAW
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DMS/vsh

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